

Report to: Cabinet

Date of Meeting: 6 June 2016

Report Title: Corporate Complaints Policy

Report By: Christine Barkshire-Jones, Chief Legal Officer

Purpose of Report

To present the findings from the review of the Council's Corporate Complaints Policy and recommend that a refreshed Corporate Complaints Policy be adopted.

Recommendation(s)

- 1. The refreshed Corporate Complaints Policy (including an unreasonable and unreasonably persistent complaints policy) be approved and implemented with effect from 5th April 2016.**
- 2. A programme of staff awareness and appropriate training is delivered to support the roll out of the refreshed policy.**

Reasons for Recommendations

The existing corporate complaints system has been in operation since 2014. Since then there has been a rise in the level of persistent/vexatious complainants who are absorbing a significant amount of officer time in dealing with cases that the Council feels has already been addressed. In order to protect individual officers and ensure that public resources are not used inappropriately, the Council's 'unreasonably and unreasonably persistent complainant policy' has been refreshed.

Background

1. It is prudent for Councils to refresh policies to respond to changes in working practices. In 2014 the Council decided to identify and implement the most suitable and cost effective software system to centrally record all of the Council's corporate complaints.
2. Firmstep was identified as the suitable system. The complaints package has had to be custom built. It is hoped this will be launched very soon after the recent introduction of the customised FOI system.

Review Scope

3. The review scope has concentrated on the rising impact of a number of vociferous complainants who use a scatter-gun approach to seek redress for their issues by contacting a wide range of officers and members. These complainants deluge the Council with numerous letters and emails which absorb a huge level of resources and often continue to repeatedly press the same arguments even when the Council has appropriately addressed their issue.

Central Registration

4. Improvements need to be made to the capturing of all complaints centrally to ensure:

they are dealt with appropriately and timely

that there is a means to check who else the complainant has already contacted about their issue - this will help to avoid duplication of effort, to address a 'scatter-gun' complaint and ensure we give one consistent reply.

It is possible for another officer to review the steps taken to address the complaint in the absence of the officer who is dealing with it.

to define vexatious and persistent complainants at an earlier stage

to nominate a single point of contact at an earlier stage

5. Complaints are received by the Council in numerous ways. The comments and complaints email address is fed by emails sent directly to it, MyHastings and the Contact Centre. However, when phone calls, letters or emails are sent to individual officers or departments these are often dealt with there and then with the effect that they are not centrally recorded and therefore progress not monitored. Further it normally starts a series of communication which at some point in the process is dealt with under the Corporate Complaints process. This is not efficient or consistent. All complaints must be dealt with under the corporate process. Once received they must be registered with corporatecomplaints@hastings.gov.uk. Once registered the complaint will be sent to service co-ordinators (similar to the FOI procedure) to pass on to the officer/service department concerned with a copy sent to the appropriate Assistant Director or Senior manager. The service concerned will be responsible for answering the corporate complaint. A copy of the response should be sent to

corporaterequests@hastings.gov.uk so it can be closed down and it can be seen at a glance that it has been responded to.

6. By adopting this procedure we can report an accurate complaints data annually as requested by Cabinet.

Persistent Complainants

7. Since 2014 the Council have seen a marked increase in correspondence from persistent complainants. Whilst the Council view complaints as an opportunity to improve service provision it cannot deal with the repeated requests concerning the same issue. The sheer volume and content of some of the complaints/FOI requests are overwhelming service provision and are having a detrimental effect on staff morale.
8. This problem is not just experienced by Hastings Borough Council. Last year the High Court granted an injunction to Cheshire West and Chester Council protecting Council officers and members from a persistent complainant under the Protection from Harassment Act 1997.
9. The Court described the Defendant's behaviour as an irrational vendetta against certain individuals "pursued with obsessive persistence" The Court went on to say that whilst officers and members of local authorities are subject to proper public scrutiny this is not unlimited. They "are not helped in discharging their public functions by having to deal with vitriolic abuse addressed directly to them and published to the world at large"

Financial Implications

10. The introduction of Firmstep and a centralised system of recording and registering complaints will be more efficient. Nominated officers will respond to the complaint. This will avoid many officers dealing with the same issue throughout the organisation, which as a result will work more efficiently.

Next Steps

11. Following approval of the refreshed policy officers will undertake the following actions to support its implementation and continue to improve the handling of, and learning from complaints received. Tasks will include:

implementing Firmstep to centrally record all of the Council's complaints within quarter 2 of 2016/17.

refresh the Council's webpages to improve the way 'customer complaints' is presented and update the content to reflect the newly agreed policy and procedures.

implement a communication plan, to include staff training and raising awareness on complaints generally to staff and members.

review how the new complaints policy and Firmstep are operating within six months and report to Directors.

ensure that the annual report on complaint trends and responses is brought to Cabinet April 2017.

Wards Affected

None

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	Yes
Local People's Views	No
Anti-Poverty	No

Additional Information

Appendix A – Customer Complaints Policy

Officer to Contact

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